

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                   |   |                              |
|-----------------------------------|---|------------------------------|
| <b>DONTE ROYES WILLIAMS</b>       | : | <b>CIVIL ACTION</b>          |
|                                   | : |                              |
| <b>v.</b>                         | : |                              |
|                                   | : |                              |
| <b>KUSNAIRS BAR &amp; TAVERN,</b> | : |                              |
| <b>RANDALL RUSIA and</b>          | : |                              |
| <b>MARK RUSIA, Owners</b>         | : | <b>NO. 2:02-cv-05323-LDD</b> |

## ORDER

AND NOW, this day of November, 2003, it is hereby ORDERED as follows:

1. The trial in this matter shall commence at **10:00 a.m. on Wednesday, February 4, 2004**, in Courtroom 12A, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania.
2. On or before **January 16, 2004**, each party shall file with the Court the following in preparation for trial:
  - a. **PRETRIAL MEMORANDUM:** The pretrial memorandum shall set forth:
    - (i) a brief statement of the nature of the case to be presented and the issues to be addressed;
    - (ii) a list of all witnesses to appear at trial<sup>1</sup> with a brief statement of the nature of each witness's anticipated testimony (witnesses not listed may not be called in a party's case in chief);
    - (iii) a list of all exhibits to be offered at trial (pre-numbered and pre-exchanged among all counsel);
    - (iv) an itemized statement of damages and/or other tangible relief sought by any party seeking damages and/or other tangible relief;
    - (v) a list of stipulations between the parties, and a list of disputed and undisputed facts (counsel shall make a conscientious effort to narrow the factual areas of dispute);
    - (vi) an estimation as to the time for presentation of each party's case; and

<sup>1</sup> In the event that any witness will be in custody at the time of trial, the party seeking to call such witness shall provide the Court with such witness's current place of confinement and institutional number, and such party shall be responsible for preparing and submitting a writ to secure the presence of such witness on the trial date.

(vii) all other disclosures required by Fed. R. Civ. P. 26(a)(3).

b. MOTIONS: Pretrial motions shall be filed regarding all significant evidentiary or other issues anticipated to arise during trial (including issues pertaining to the admissibility of particular witness testimony or particular exhibits), and setting forth pertinent legal authority (including case law, statutory law, procedural rules, evidentiary rules, etc.).

c. POINTS FOR CHARGE: After meeting and conferring: (I) in a case to be tried before a jury, the parties shall jointly submit proposed points for charge upon which the parties have agreed, and shall individually submit any disputed points for charge accompanied by a reference to the single best authority supporting the disputed point; or (ii) in a bench trial, the parties shall jointly submit proposed findings of fact and conclusions of law upon which the parties have agreed, and the parties shall individually submit any disputed findings and conclusions accompanied by a reference to the single best authority supporting any disputed legal conclusions.<sup>2</sup>

d. JURY VOIR DIRE AND VERDICT SHEET: In a case to be tried before a jury, after meeting and conferring: (I) the parties shall jointly submit proposed jury voir dire questions upon which the parties have agreed, and each party shall individually submit proposed jury voir dire questions upon which the parties cannot agree; and (ii) the parties shall jointly submit a proposed jury verdict sheet

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<sup>2</sup> The parties may file supplemental proposed jury instructions, or supplemental proposed findings and conclusions, after all the evidence has been presented at trial.

if the parties have agreed upon one, or the parties shall individually submit proposed jury verdict sheets if one has not been agreed upon.

4. Responses to any pretrial motions shall be filed on or before **January 23, 2004.**

**BY THE COURT:**

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**Legrome D. Davis, J.**